

ASSEMBLY BILL

No. 756

Introduced by Assembly Member Eng

February 26, 2009

An act to add Section 10111.5 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 756, as introduced, Eng. Public contracts: reports.

The State Contract Act governs contracting between state agencies and private contractors, and sets forth requirements for the procurement of supplies, materials, equipment, and services by state agencies. Existing law sets out the various responsibilities of the Department of General Services and other state agencies in overseeing and implementing state contracting procedures and policies.

This bill would require state agencies to prepare an annual report regarding personal services and consulting services contracts, as defined, entered into by the agency and to transmit that report to the Department of Finance for submission to the Legislature, as provided.

This bill would require contractors to provide specified information to assist the state agency in the preparation of its annual report of personal services and consulting services contracts. This bill would make contractors who fail to provide this information ineligible for any future personal services or consulting services contracts and would cease payment for any ongoing contracts until the information is provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 10111.5 is added to the Public Contract Code, to read:

10111.5. (a) Each state agency shall annually prepare a report that includes a list of the personal services and consulting services contracts that it entered into during the previous fiscal year. The report shall be organized to ensure transparency. The listing shall include, but is not limited to, the following information:

(1) The name and identification number of each contractor.

(2) The statutory basis for the authorization of each contract, including, if relevant, any applicable condition permitting personal services contracts provided by Section 19130 of the Government Code.

(3) The duration of each contract.

(4) The number of amendments to each contract and the number of renewals of each contract, where applicable.

(5) The total amount of the contract price over the duration of the contract, including all known amendments to the contract, the total amount paid by the state agency during the most recently completed fiscal year, and the number, cost, bill rate, and staffing levels associated with each type of contract employee retained during the most recently completed fiscal year. Staffing levels shall also be described or accounted for in personnel years or full-time equivalent terms.

(6) Costs and relevant staffing information shall be organized and reported using the following contract categories:

(A) Architectural, engineering, and environmental services and consulting services.

(B) Information technology personal services and consulting services.

(C) Other personal services and consulting services contracts as follows:

(i) Professional, administrative, financial, and staff services and consulting contracts.

(ii) Legal services and consulting contracts.

(iii) Education and information science services and consulting contracts.

(iv) Clerical and office services and consulting contracts.

(v) Security services and consulting contracts.

- 1 (vi) Scientific and technical services and consulting contracts.
- 2 (vii) Facility, equipment, and landscape maintenance services
- 3 and consulting contracts.
- 4 (viii) Printing and publishing services and consulting contracts.
- 5 (ix) Property and food services, including janitorial services,
- 6 and consulting contracts.
- 7 (x) Medical and health services and consulting contracts.
- 8 (xi) Psychiatric, psychological, and social welfare services and
- 9 consulting contracts.
- 10 (xii) Miscellaneous.

11 (b) For purposes of this section, the following definitions apply:

12 (1) “Consulting services contracts” has the same meaning as

13 defined in Section 10335.5.

14 (2) “Personal services contracts” means any contract, requisition,

15 or purchase order, excluding public works contracts, under which

16 labor or personal services is a significant, separately identifiable

17 element.

18 (c) (1) To facilitate state agency reporting, contractors shall

19 provide all of the staffing and cost information specified in

20 paragraph (5) of subdivision (a) to the agencies at the end of each

21 fiscal year for each and every personal services and consulting

22 services contract operative during that fiscal year.

23 (2) Failure to report the staffing and cost information specified

24 in paragraph (5) of subdivision (a) in a useful and usable manner

25 shall be deemed a material breach of contract. Contractors who

26 fail to provide the information shall be ineligible for any future

27 personal services and consulting services contracts and payments

28 for any ongoing contracts shall cease until the requested

29 information is provided.

30 (d) A written copy of the annual report shall be sent within 60

31 working days after the end of the previous fiscal year to the

32 Department of Finance. The Department of Finance shall forward

33 the reports to the Legislature as part of the budget submission and

34 approval process.

35 (e) This section shall not apply to information resulting from

36 contracts for confidential expert consulting services that constitutes

37 an attorney work product or is protected by the attorney-client

38 privilege.

- 1 (f) The report shall be made available to the public in a format
- 2 similar to that used by the agency in its Wages and Salaries
- 3 Supplement report.

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